IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

(1) Writ Petition No. 6726 of 2005
with
(2) Writ Petition No.6727 of 2005

Vitthal Balwant Jamdade
and another ..Petitioners

vs.

Mohammad Ibrahim Shaikh
and others ..Respondents

Shri Rahul S.Kate for petitioners
Shri Dilip Bodake for respondent nos.1A to 1D.

**CORAM: S.B.MHASE J.**
**14th March, 2006**

**P.C.**

1. Heard Shri Kate.

2. The order dated 7th July, 2005 passed below Exh.24 in Misc.Civil Appeal No. 40 of 2004 by the learned II Additional District Judge, Satara is under challenge. By the impugned order the delay in filing the application to bring the legal representative of appellant no.1 on record is condoned and the name of Sailan Mohammed Shaikh is allowed to be brought on record along with other respondents. The only point which was urged that there was no separate application or prayer for setting aside the abatement. The

point is no more resintegra in view of the judgments of this Court reported in 2004 (2) All MR 20 in the case of Smt.Ram Dulari wd/o Sitla Prasad Tiwari and ors. Vs.Maniram Ram Prasad Tiwari and ors. and (2004) 12 SCC 253 in the case of K.Rudrappa Vs.Shivappa. Petitions are rejected.

**(S.B.MHASE J.)**